

FINANCE (REGULATIONS) DEPARTMENT

The 26th June, 1983

No. 1/2/Vol-II/AO(FD)/83.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Civil Services Rules, Volume II, in its application to the State of Haryana, namely :—

1. These rules may be called the Punjab Civil Services, Volume II (Haryana First Amendment) Rules, 1982.

2. In the Punjab Civil Services Rules, Volume II (hereinafter called the said rules),—

(a) for the words “Government Servant (s)” wherever occurring the words “Government employee (s)” shall be substituted ; and

(b) unless there is something repugnant in the subject or context, for the words “Punjab” wherever it occurs with reference to the Legislative Assembly, State Public Service Commission, any department, service or organisation, Government, Governor, Accountant-General, any office or officer of the State, the word “Haryana” shall be substituted.

3. In the said rules, in rule 1.1, sub-rule (c) and Annexure at the end of rule 1.3 shall be deleted.

4. In the said rules, rule 1.2 and note and Schedule thereunder shall be deleted.

5. In the said rules, rule 1.2A shall be deleted.

6. In the said rules, rule 1.2B and notes thereunder shall be deleted.

7. In the said rules, rule 1.2C and Schedule thereunder shall be deleted.

8. In the said rules, rule 4.2 and note and Schedule thereunder shall be deleted.

9. In the said rules, rule 5.32 shall be deleted.

10. In the said rules, in rule 5.32A the words “for Government servants referred to in rule 1.2A” shall be deleted and under clause (b) of this rule for the existing note the following notes shall be substituted, namely :—

“Note 1.—The Government retains an absolute right to retire any Government employee after he has completed twenty-five years of service qualifying for pension if he is holding a pensionable post or has completed service for a similar period if he is holding a non-pensionable post, but is entitled to the benefits of Contributory Provident Fund, without giving any reasons and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further services of a Government employee such as on account of inefficiency, dishonesty, corruption or infamous conduct. This clause (b) of this rule is intended for use—

(i) against a Government employee whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully efficient (i.e., when a Government employee's value is clearly incommensurate with the pay which he draws) but not to such a degree as to warrant his retirement on a compassionate ground. It is not the intention to use the provisions of this note as a financial weapon, that is to say, the provision should be used only in the case of Government employees who are considered unfit for retention on personal as opposed to financial grounds ; and

(ii) in cases where reputation for corruption, dishonesty or infamous conduct is clearly established even though no specific instance is likely to be proved under the Punishment and Appeal Rules, Appendix 24 of Volume I, Part II, of these rules or the Public Service (Inquiries) Act, 1850 (XXXVII of 1850).

The word “Government” used in this note should be interpreted to mean the authority which has the power of removing the Government employee from service under the Civil Services (Punishment and Appeal) Rules.

Note 2.—The ‘Government’ employee should be given a reasonable opportunity to show cause against the proposed action under clause (b) of this rule. No Gazetted Government employee shall, however, be retired without the approval of Council of Ministers. In all cases of compulsory retirement of Gazetted Government employees belonging to the State Services, the Public Service Commission shall be consulted. In the case of non-Gazetted Government employees the Head of Departments should effect such retirement with the previous approval of the State Government.

Note 3.—A Government employee who has elected to retire under this rule and has given necessary intimation to that effect to the competent authority, shall be precluded from withdrawing his election subsequently except with the specific approval of the authority competent to fill the appointment; provided his request for withdrawal is made within the intended date of his retirement.”

11. In the said rules, Section II and rules 6.11 to 6.15A shall be deleted.

12. In the said rules, rule 6.16 D shall be deleted.

13. In the said rules, for rule 8.1, the following rule shall be substituted, namely :—

“8.1 Pay for the purpose of this chapter means pay as defined in rule 2.44 of Volume I, Part I of these rules which a person was drawing on the date of his death or injury; provided that in the case of persons remunerated by piece works rates, pay means average earnings of the last six months of service ending with the date of his death or injury.

Note.—Article 320 of the Constitution of India provides that the Public Service Commission should be consulted on claims for the award of injury pensions and as to the amounts of such awards. It is, therefore, necessary to consult the Commission on every claim by or in respect of a person, except class III and class IV employees, who is or was under the rule making control of the Haryana Government for the award of a pension or gratuity under the rules in this Chapter. The following supplementary instructions should be observed when the Haryana Public Service Commission is consulted in respect to claims for the award of injury pension :—

- (i) the Commission should be consulted after the department concerned have expressed their views on a case;
- (ii) the point of reference to the Commission should *inter alia* be, whether in their opinion the award of any pension, gratuity, etc., is admissible, and, if so, the amount thereof.
- (iii) any such reference to the Commission should be in the form of an official letter with which the relevant papers should be forwarded and except as stated in note 2 below, the convention regarding the acceptance of the advice of the Commission should apply in these cases.

Note 2.—All cases of ex-gratia award of extraordinary pension shall be referred to the Haryana Public Service Commission. If Commission considers that a claim is covered by the rules and recommends an award it will be open to the competent authority to examine the position before accepting the recommendation. If the competent authority is satisfied that the case is covered by the rules, it will accept the Commission's recommendations as to the amount of the award. In cases when the Commission is satisfied that the award is admissible under the rules, but would recommend ex-gratia payment, they will not make any recommendation about the amount of payment. The competent authority will in that case retain discretion after giving all due weight to the Commission's recommendations whether or not to make any ex-gratia payment and to determine the amount of such payment”.

14. In the said rules, Sections II to IV and rules 8.2 to 8.24 shall be deleted.

15. In the said rules for rule 8.25, the following rule shall be substituted, namely :—

“8.25 The rules in this Section shall apply to all persons paid from Civil estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923), applies whether their appointment is permanent or temporary, on time scale of pay or fixed pay or piece work rates.

Note.—No award shall be made under these rules in respect of Civilian Officer who is deputed on foreign service under United Nations bodies on or after 1st January, 1958, and who is allowed to join the United Nations Joint Staff Pension Fund as an, “Associate Member”.”

16. In the said rules, for rule 8.30 the following rule shall be substituted, namely :—

“8.30 All awards under these rules shall be made in India in rupces.”

17. In the said rules, proviso to rule 8.33 shall be deleted.

18. In the said rules, in rule 8.36,—

- (i) sub-rules (2) and (3) shall be deleted; and
- (ii) sub-rules (4) and (5) shall be renumbered as sub-rules (2) and (3) respectively.

19. In the said rules, rule 9.23 shall be deleted.

20. In the said rules, rule 9.24 shall be deleted.

21. In the said rules, in rule 11.1,—

- (i) clause (a) shall be deleted; and
- (ii) in clause (b) the words and figures “or who has opted for modified pension rules,—*vide* alternative (c) under rule 1.2B” shall be deleted.

T. K. BANERJI,

Commissioner and Secretary to Government, Haryana,
Finance Department.